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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,645	12/29/2003	Wendy Lynn Behnke	18,694	6907
23556	7590	06/08/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,645	Applicant(s) BEHNKE ET AL.	
	Examiner David J Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-32, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-32, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-22-05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 4-8-05 and this action is final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8, 12, 14-15, 17, 19-20, 22, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0044569 to Kacher et al.

Referring to claim 1, Kacher et al. discloses a device comprising, a first layer – at 710,750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer –

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at 720, 822, including a second material, wherein the second layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24, wherein the bag-like space includes an open end – see for example figures 22-23, and a sealing mechanism – see for example paragraphs [0156]-[0162].

Referring to claim 2, Kacher et al. discloses the first material is micro-hook material – see for example paragraphs [0156]-[0162].

Referring to claim 3, Kacher et al. discloses the second material is a non-woven material – see for example [0156]-[0162].

Referring to claim 6, Kacher et al. discloses the device is a mitt – see for example figures 22-24 and [0156]-[0162].

Referring to claim 8, Kacher et al. discloses the device is a tool cover – see for example paragraphs [0160]-[0162].

Referring to claim 12, Kacher et al. discloses a thumb space – see for example figures 22-24.

Referring to claim 14, Kacher et al. discloses the first layer includes adhesive – see for example paragraphs [0156]-[0162].

Referring to claim 15, Kacher et al. discloses the adhesive is positioned on the hook material – see for example paragraphs [0156]-[0162].

Referring to claim 17, Kacher et al. discloses the sealing mechanism uses hook material – see for example paragraphs [0156]-[0162].

Referring to claim 19, Kacher et al. discloses the sealing mechanism is an adhesive – see for example paragraphs [0156]-[0162].

Referring to claim 20, Kacher et al. discloses the device is disposable – see for example paragraphs [0156]-[0162].

Referring to claim 22, Kacher et al. discloses the space is sized to substantially enclose a human hand – see for example figures 22-24 and paragraphs [0156]-[0162].

Referring to claim 24, Kacher et al. discloses the space is sized to enclose a portion of a tool – see for example paragraphs [0156]-[0162].

Referring to claim 25, Kacher et al. discloses the first material – at 750 or 810, consists essentially of hook material – see for example figures 22-24 and paragraphs [0156]-[0162].

Referring to claim 26, Kacher et al. discloses a device comprising, a bag-like body – at 700 or 800, including an outer surface including micro-hook material – at 750 or 810, and an interior space – at 730 or see figure 23, and a sealing mechanism – see for example figures 22-23 and paragraph [0158]. Kacher et al. does not disclose the body is adapted to be turned inside out to create a second interior space. However, this limitation constitutes functional language in an apparatus claim and therefore the limitation has been considered but is not deemed to make the claimed invention novel over the Kacher et al. reference in that the Kacher et al. reference is capable of being made inside out, to allow the user greater ease in removing the glove from their hand.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,524,575 to Lennon. Kacher et al. does not disclose the second material is an elastomeric material. Lennon does disclose the second material – at 42, is an elastomeric material – see for example column 3 lines 21-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the second material being an elastomeric material of Lennon, so as to allow for the mitt to be flexible and easily movable into differing positions.

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,604,742 to El Sabbagh.

Referring to claim 5, Kacher et al. does not disclose the second material is micro-hook material. El Sabbagh does disclose the second material – at either of 36 or 42 is micro-hook material – see for example column 3 lines 47-59. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the second material being micro hook material of El Sabbagh, so as to allow for the glove to have object attracting/adhering capabilities on all sides.

Referring to claim 21, Kacher et al. does not disclose the first and second materials are one piece of the same material wherein the first layer and the second layer are two portions of the

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piece, and wherein one of the first and second layer is folded over the other of the first and second layer. El Sabbagh does disclose the first and second materials are one piece of the same material – see for example column 3 lines 32-47, wherein the first layer – at 36, and the second layer – at 42, are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer – see at 40 and 44 in figures 4a-4b. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the first and second layer materials of El Sabbagh, so as to allow for the glove to have object attracting/adhering capabilities on all sides.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,742,911 to McAlister. Kacher et al. does not disclose the device is a pet bed enclosure. McAlister does disclose the device is a pet bed enclosure – see for example figures 1-8. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the device being a pet bed of McAlister, so as to allow for the device to be self-operating.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,682,837 to Courtney et al.

Referring to claims 9 and 11, Kacher et al. does not disclose the first layer is coupled to the second layer using adhesive or by sewing. Courtney et al. does disclose the first layer – at 12 to the second layer – at 20 using adhesive or by sewing – see for example column 4 lines 12-20. Therefore it would have been obvious to one of ordinary skill in the art to take the device of

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Kacher et al. and add the first and second layer being connected via adhesive or sewing of Courtney et al., so as to allow for the device to be securely held together.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,494,720 to Smith et al. Kacher et al. does not disclose the first layer is coupled to the second layer using ultrasonic bonding. Smith et al. does disclose the first layer is coupled to the second layer using ultrasonic bonding – see for example column 1 lines 19-36, column 2 lines 11-26 and column 3 lines 30-35. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the layers connected via ultrasonic bonding of Smith et al., so as to allow for the device to be securely held together.

Claims 13 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of WO Patent No. 03/045135. Kacher et al. does not disclose a finger loop/slit in the space. The WIPO patent does disclose a finger loop/slit – at 29 and formed by 29, in the space – at the interior of 11-17 – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the finger loop of the WIPO reference, so as to allow the user's hand to be more securely held inside the glove.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 16 above, and further in view of U.S. Patent No. 6,203,080 to Surplus. Kacher et al. does not disclose the sealing mechanism is a zipper. Surplus does disclose a zipper – see column 4 lines 1-10, used as a sealing mechanism. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the zipper sealing

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mechanism of Surplus, so as to allow for the inside of the device to be completely sealed from any outside elements.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,072,694 to Haynes et al. Kacher et al. does not disclose the space is sized to substantially enclose a pet bed. Haynes et al. does disclose a material – at 36, with a space – at the interior of 36, sized to substantially enclose a pet bed – at 40 – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the material enclosing the pet bed of Haynes et al., so as to allow for the pet bed to be protected from any outside elements.

Claim 30, is a method which employs the apparatus of claim 23. Since this method claim is similar to the apparatus claims the rejections for the apparatus claim 23 render the limitations of this method claim 30 inherent based on the prior art references disclosed above in reference to claim 23.

Claim 26 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kacher et al in view of U.S. Patent Application Publication No. 2003/0041813 to Demeur et al. Kacher et al. discloses a device comprising, a bag-like body – at 700 or 800, including an outer surface including micro-hook material – at 750 or 810, and an interior space – at 730 or see figure 23. Kacher et al. does not disclose the body is adapted to be turned inside out to create a second interior space. Demeur et al. does disclose the body – at 12-14, is adapted to be turned inside out to create a second interior space – see for example figures 1-4, Therefore it would have been obvious to one of ordinary skill in the art to take the device of

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Kacher et al. and add the body capable of being turned inside out of Demeur et al., so as to allow the user of the device to stay clean during use of the device.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al in view of Lennon. Kacher et al. discloses a method comprising, donning a mitt – at 700 or 800, the mitt having a first layer – at 710, 750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer – at 720, 822, including a second material, wherein the second layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24, wherein the bag-like space includes an open end – see for example figures 22-23 and paragraphs [0156]-[0162] and a sealing mechanism positioned adjacent the open end – see for example figures 22-23 and paragraphs [0156]-[0162]. Kacher et al. further discloses collecting detritus in the hooks – see paragraphs [0156]-[0162], and disposing of the mitt – see paragraphs [0156]-[0162]. Kacher et al. does not disclose petting an animal having detritus. Lennon does disclose a mitt – at 40, used to pet an animal having detritus – see for example figure 5a and columns 2-3. Therefore it would have been obvious to one of ordinary skill in the art to take the method of Kacher et al. and add the step of petting an animal having detritus of Lennon, so as to allow for the animal to be cleaned.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as modified by Lennon as applied to claim 27 above, and further in view of Demeur et al.

Referring to claims 28-29, Kacher et al. as modified by Lennon does not disclose turning the mitt inside out to enclose the detritus and sealing the mitt. Demeur et al. does disclose turning the mitt – at 12,14, inside out – see for example figures 2-4 and sealing the mitt – via items 38 as seen in figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. as modified by Lennon and add the turning the mitt inside out and sealing of the mitt of Demeur et al., so as to allow for the device to be sanitary for the user.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as modified by Haynes et al. as applied to claim 30 above, and further in view of Demeur et al.

Referring to claims 31-32, Kacher et al. as modified by Haynes et al. does not disclose turning the mitt inside out to enclose the detritus and sealing the mitt. Demeur et al. does disclose turning the mitt – at 12,14, inside out – see for example figures 2-4 and sealing the mitt – via items 38 as seen in figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. as modified by Haynes et al. and add the turning the mitt inside out and sealing of the mitt of Demeur et al., so as to allow for the device to be sanitary for the user.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as modified by Lennon as applied to claim 27 above, and further in view of WO Patent No. 03/045135. Kacher et al. as modified by Lennon does not disclose a finger loop/slit in the space. The WIPO patent does disclose a finger loop/slit – at 29 and formed by 29, in the space – at the interior of 11-17 – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. as modified by Lennon and add the

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finger loop of the WIPO reference, so as to allow the user's hand to be more securely held inside the glove.

Response to Arguments

4. Regarding claims 1-3, 6, 8, 14, 15, 17, 19, 20, 22, 24, 25 and 26-27, the Kacher et al. reference US 2003/0044569 does disclose a sealing mechanism as seen in paragraph [0158] where elastic bands, adhesive fasteners and hook and loop fasteners are disclosed. Further, the attachment of the strips – at 750 as seen in figure 2 and described in paragraph [0159] forms a seal and can be construed as a sealing means. Further, the attachment of the sheet – at 820 as seen in figure 23 and described in paragraph [0162] can be construed as a sealing means.

Regarding claim 12, the Kacher et al. reference does disclose a thumb space in that the internal cavity of the Kacher et al. reference as seen in figures 22-23 contains the thumb and thus is a thumb space.

Regarding claim 4, the Lennon reference US 5,524,575 does disclose a first material – at 40, and a second material – at 41-43, which is elastomeric as seen in column 3 lines 22-30.

Regarding claim 5, the El Sabbagh reference US 6604742 does disclose micro-hook material – as seen at 36 or 42 and in column 3 lines 47-59.

Regarding claim 21, the El Sabbagh reference does disclose first and second materials being one piece as seen in column 3 lines 32-47, wherein the first layer – at 36, and the second layer – at 42, are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer – see at 40 and 44 in figures 4a-4b.

Referring to claim 7, the McAlister reference US 5724911 does disclose a pet bed enclosure as seen in figures 4-8. Applicant argues that the McAlister reference teaches away from a pet bed and cover, however a cover is not claimed and therefore has no bearing on the patentability of the claim.

Regarding claims 9 and 11, the Courtney et al. reference US 5682837 does disclose coupling layers of a mitt pet brush via adhesive or sewing as seen in column 4 lines 12-20. The Kacher et al. reference is used to disclose the two layers defining the bag-like space and the Courtney et al. reference is used to teach attaching layers of a hand mitt via adhesive and/or sewing. Therefore the combination of the Kacher et al. and Courtney et al. references renders the claims obvious given the motivation stated above in paragraph 3 of this office action.

Regarding claim 23, the Haynes et al. does disclose enclosing a pet bed – at 12 via the material – at 14 as seen in figures 2-3.

Regarding claim 26, the Kacher et al. reference discloses all of the claim structure of the claimed invention as seen in paragraphs 2-3 above. Further, the Demeur et al. reference US 2003/0041813 does disclose the turning the glove inside out as seen in figures 2-4. The motivation to combine the Kacher et al. and the Demeur et al. references is found in figures 2-4 and paragraph [015] where the device is shown as keeping the hand of the user clean. Further, the motivation to combine the references can be found in the general knowledge to those of ordinary skill in the art.

Conclusion

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on 9hr compressed.

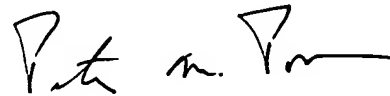
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

2/6/05